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OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT
1755 JEFFERSON DAVIS HIGHWAY
FOURTH FLOOR
ARLINGTON, VA 22202

EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 08/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/486,706

Applicant(s)

TIMMERMANN, ALWIN

Examiner

Gregory J. Strimbu

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10,12-15 and 17-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10,12-15 and 17-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 28 May 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 18.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

Claims 10, 12-15 and 17-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "the first volume" on line 8 of claim 10 render the claims indefinite because they lack antecedent basis. Recitations such as "an interior of the vehicle" on line 2 of claim 12 render the claims indefinite because it is unclear if the applicant is referring to vehicle interior set forth above or is attempting to set forth another vehicle interior in addition to the one set forth above. Recitations such as "being located at an exterior of said vehicle" on line 3 of claim 20 render the claims indefinite because it is unclear if the applicant is claiming the subcombination of a door or the combination of a door and a vehicle. The preamble of claim 20 implies the subcombination while the positive recitation of the vehicle on line 3 of claim 20 implies the combination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 12, 14, 15, 17, 19, 23-25 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent Publication No. 195 09 282. German Patent

Art Unit: 3634

Publication No. 195 09 282 discloses a component support assembly for a vehicle door, comprising a rigid double-shell box structure 3, 5a, 5b having a first wall (not numbered, but seen in the figure) facing an interior of the vehicle and a second wall (not numbered, but seen in the figure) facing an exterior of the vehicle, the second wall having at least first 31 and second (not numbered, but comprising the indentation for receiving the drive and control device 9) hollows separated by a separating member (not numbered, but seen in the figure as the portion of the first wall separating the first and second hollows), wherein the rigid double-shell box structure independently supports a plurality of vehicle door components 4, 9 fixedly attached to the first wall of the rigid double-shell box structure thereby forming an enclosed volume with the first volume of the second wall. German Patent Publication No. 195 09 282 further discloses an outer panel (not shown), an interior lining 6 and a window lifter 1 mounted to the second wall.

Claims 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurihara et al. German Patent Publication No. 195 09 282 discloses a door for a vehicle (not shown) comprising a door structure including a first door wall (not shown) and a second door wall (not shown) and lateral door walls (not shown), the first door wall being located at an exterior of the vehicle, an equipment support 3, 5a, 5b to be mounted to the door structure, and an interior trim lining 6, wherein the equipment support includes at least one warp resistant double shell box structure having a first wall (not numbered, but seen in the figure) facing an interior of the vehicle and a second wall (not numbered, but seen in the figure) facing an exterior of the vehicle, the second wall

Art Unit: 3634

having at least first 31 and second (not numbered, but comprising the indentation for receiving the drive and control device 9) hollows separated by a separating member (not numbered, but seen in the figure as the portion of the first wall separating the first and second hollows), wherein the second wall has substantially the same curvature as a fully retracted vehicle door window (not shown), and wherein the double-shell box structure individually supports a plurality of devices 4, 9 fixedly attached to the first wall of the double-shell box structure thereby forming an enclosed volume with the first volume of the second wall of the double-shell box structure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 13, 18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent Publication No. 195 09 282 as applied to claims 10, 12, 14, 15, 17, 19, 23-25 and 27 above, and further in view of Finch et al. Finch et al. disclose a vehicle door comprising a body of foam 11 for side impact protection.

It would have been obvious to one of ordinary skill in the art to provide German Patent Publication No. 195 09 282 with a body of foam, as taught by Finch et al., to attenuate the forces generated during side impacts.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent Publication No. 195 09 282 as applied to claims 20 and 21 above, and further in view of Finch et al. Finch et al. disclose a vehicle door comprising a body of foam 11 for side impact protection.

It would have been obvious to one of ordinary skill in the art to provide German Patent Publication No. 195 09 282 with a body of foam, as taught by Finch et al., to attenuate the forces generated during side impacts.

Response to Arguments

Applicant's arguments filed May 28, 2002 have been fully considered but they are moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The applicant has amended the claims to include the further limitation of first and second hollows separated by a separating member in claims 10, 15 and 20 and presented new claim 23. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 3634

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is (703) 305-3979. The examiner can normally be reached on Monday through Friday from 8:00 A.M. to 4:30 P.M. The fax phone number for this Group is (703) 305-3597. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



Gregory J. Strimbu
Primary Examiner
Art Unit 3634
August 12, 2002